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**FILED**

JAN 21 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**ORIGINAL**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**EDL**

ABBATE FAMILY FARMS  
LIMITED PARTNERSHIP,  
a California Limited  
Partnership,

Plaintiff,

vs.

P.Y. PRODUCE, LLC, a  
California limited liability  
company, and JOSE GOMEZ, an  
individual

Defendants.

Case No.

**0319**

**COMPLAINT FOR VIOLATIONS OF THE  
PERISHABLE AGRICULTURAL  
COMMODITIES ACT  
[7 U.S.C. 499b(4)]**

1. ENFORCEMENT OF STATUTORY  
CONSTRUCTIVE TRUST  
ESTABLISHED UNDER THE  
PERISHABLE AGRICULTURAL  
COMMODITIES ACT],
2. BREACH OF CONTRACT
3. BREACH OF FIDUCIARY DUTY;  
CONSTRUCTIVE FRAUD

Plaintiff, ABBATE FAMILY FARMS LIMITED PARTNERSHIP,  
("ABBATE"), alleges as follows:

**NATURE OF ACTION**

1. This is an action seeking an order for payment to  
plaintiff ABBATE of funds from defendants pursuant to the statutory  
trust established under the Perishable Agricultural Commodities Act  
hereafter ("PACA"), 7 U.S.C. § 499a, et seq., as well as damages  
for breach of contract based upon violation of Section 2 of the

1.

ROBERT P. LEWIS, JR.  
2596 MISSION ST., SUITE 300  
SAN MARINO, CA 91108-1679  
(213) 623-2297

1 Perishable Agricultural Commodities Act of 1930, (7 U.S.C. §  
2 499b(4)) for constructive fraud based upon violation of fiduciary  
3 duties recognized under the Act.

4 **JURISDICTION**

5 2. The Court has jurisdiction of this action pursuant to 28  
6 U.S.C. §§ 1331, 1334(b), 1345, and 7 U.S.C. § 499(a), et seq.

7 As to the claim for relief based upon breach of contract, this  
8 complaint arises under Section 7 of the Perishable Agricultural  
9 Commodities Act, 1930 (7 U.S.C. § 499e) for damages sustained by  
10 Plaintiff as the result of defendant's unfair conduct in violation  
11 of Section 2 of the Act (7 U.S.C. § 499b). The Act being one  
12 regulating commerce, jurisdiction of this Court is invoked under 28  
13 U.S.C. § 1337.

14 3. This court has supplemental jurisdiction over any state  
15 claims pursuant to 28 U.S.C. § 1367.

16 **VENUE**

17 4. Venue in this district is based on 28 U.S.C. § 1391 in  
18 that (a) plaintiff's claims arose in this district and (b) each of  
19 the defendants maintain places of business in this district.

20 **THE PARTIES**

21 5. Plaintiff ABBATE is a Limited Partnership organized and  
22 existing under the laws of the State of California, with its  
23 principal place of business located at 140 Heron Way, Merced,  
24 California 95340.

25 6. ABBATE is a grower of fresh produce and is an unpaid  
26 supplier and seller of wholesale quantities of perishable  
27 agricultural commodities under 7 U.S.C. 499e(c).

28 ///

1           7. Defendant P.Y. PRODUCE, LLC ("P.Y."), is a limited  
2 liability company organized and qualified to do business under the  
3 laws of the state of California and is licensed under Section 3 of  
4 the PACA, 7 U.S.C. § 499c, [PACA License # 20031528], and has  
5 operated as a dealer in perishable commodities within the meaning  
6 of Section 1(6) of the PACA, 7 U.S.C. § 499a(6), with its principal  
7 place of business at the Golden Gate Produce Terminal, 125 Terminal  
8 Court, Stall #62, South San Francisco, California, 94080. A true  
9 and correct copy of the on-line record of said PACA license is  
10 attached hereto as **EXHIBIT A**.

11           8. Defendant JOSE GOMEZ ("GOMEZ") is an individual residing  
12 within this judicial district who has conducted business in this  
13 district.

14           9. As reflected in **EXHIBIT A** GOMEZ is a person who is  
15 responsibly connected with the above licensed dealer under the PACA  
16 within the meaning of Section 1(9) of the PACA, 7 U.S.C. § 499a(9),  
17 and as such is a fiduciary with respect to handling accounts  
18 receivable and proceeds subject to the statutory constructive trust  
19 arising under Section 5(c) of the PACA, 7 U.S.C. § 499e(c), held by  
20 said licensee for the benefit of unpaid produce creditors.

21           **BACKGROUND OF THE PERISHABLE AGRICULTURAL COMMODITIES ACT**

22           12. Congress enacted the PACA in order to provide a  
23 comprehensive scheme for the regulation of traders of fresh and  
24 frozen fruits and vegetables. The primary purpose of the PACA is  
25 to protect the suppliers of perishable agricultural commodities  
26 from unfair trade practices committed by commission merchants,  
27 dealers and brokers, which unfair practices include failure to pay  
28 for produce which is bought.

1        13. The failure of purchasers of produce to pay for the same  
2 constitutes a violation of "Prompt Pay" Provisions of Perishable  
3 Agricultural Commodities Act [7 U.S.C. § 499b(4)].

4        14. Effective May 7, 1984, Congress amended the PACA in order  
5 to provide further protection to the suppliers of perishable  
6 agricultural commodities. As a result, in all transactions subject  
7 to the PACA, wholesale distributors, commission merchants, dealers  
8 or brokers involved are required to hold "perishable agricultural  
9 commodities . . . all inventories of food or other products derived  
10 from perishable agricultural commodities and any receivables, or  
11 proceeds from the sale of such commodities or products" subject to  
12 a "**trust for the benefit of all unpaid suppliers or sellers of such**  
13 **commodities or agents involved in the transaction . . .**" [ 7 U.S.C.  
14 § 499e(c)].

15        15. The regulations promulgated by the Secretary of  
16 Agriculture to implement the 1984 and 1995 amendments to the PACA  
17 provide that the trust assets are to be preserved as a  
18 **nonsegregated floating trust**, and that a seller or supplier may  
19 preserve its trust benefits by filing timely written notice with  
20 its customers and with the Secretary of Agriculture. [7 C.F.R. §  
21 46.66(c)(g)], or by setting forth on its invoices to its customers,  
22 the statutory language contained in Section 5(c)(3) of the PACA [7  
23 U.S.C. § 499e(c)(4)].

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**FIRST CLAIM FOR RELIEF**

(Enforcement of the Statutory Trust Provisions of the  
Perishable Agricultural Commodities Act)

16. ABBATE incorporates all of its prior allegations in this complaint.

17. ABBATE in the normal course of its business, sells, ships and supplies fresh produce to wholesale distributors, processors, commission merchants, dealers and brokers of fruits and vegetables in interstate transactions.

18. During the period from on or about July 8, 2010, through on or about August 21, 2010, ABBATE sold and delivered to P.Y. various perishable agricultural commodities, including, but not limited to, various types of watermelons, onions, pepper, corn and other such products for which P.Y. agreed to pay ABBATE the sum of approximately \$57,855.45.

19. The terms of sale were FOB with payment due in 10 days with interest at the rate of 1.5% per month on all past due accounts.

20. P.Y. accepted all of the shipments of produce without objection.

21. With the exception of a payment of \$227.50 made on or about September 13, 2010, P.Y. has failed to pay for the produce in question and there is now past due and owing to ABBATE from P.Y. the sum of \$57,627.95 plus interest thereon at the rate of 1.5% per month from on or about August 31, 2010.

22. Copies of ABBATE'S invoices pertaining to the shipments in question are collectively attached as **EXHIBIT B**.

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**SECOND CLAIM FOR RELIEF**

(Breach of Contract - Damages for Violation of "Prompt Pay"  
Provisions of Perishable Agricultural Commodities Act  
[7 U.S.C. § 499b(4)]).

23. ABBATE incorporates all of its prior allegations in this complaint.

24. P.Y. has failed and refused to pay to ABBATE the amount which it agreed to pay for the produce sold and delivered. By virtue of the foregoing, P.Y. in breaching its contract with ABBATE has violated the "Prompt Pay" Provisions of Perishable Agricultural Commodities Act [7 U.S.C. § 499b(4)] and as a result, ABBATE has been damaged in the amount of \$57,627.95 plus interest thereon at the rate of 1.5% per month from on or about August 31, 2010.

**THIRD CLAIM FOR RELIEF**

(Breach of Fiduciary Duty to PACA Trust Beneficiary  
Constructive Fraud)

25. ABBATE incorporates all of its prior allegations in this complaint.

26. At all times mentioned herein, GOMEZ was a "dealer" engaged in the business of buying and selling produce within the meaning of 7 U.S.C. § 499a(b)(6). Furthermore, ABBATE is informed and believes that GOMEZ controlled, managed and had control over the financial dealings of P.Y., including the PACA trust assets which are the subject of this action, in that GOMEZ occupied the positions of shareholder, officer and director of P.Y. and the individuals who managed its day-to-day operations.

27. By virtue of the provisions of the statutory trust established under the PACA, GOMEZ owed a fiduciary duty to ABBATE

1 to see that the PACA trust was maintained for the benefit of  
2 ABBATE. GOMEZ breached their fiduciary obligations under Section  
3 5(c) of the PACA, by failing ensure that P.Y. made the payments to  
4 ABBATE required in order to satisfy the trust interests of ABBATE  
5 which have been properly preserved.

6 28. ABBATE is informed and believes and thereon alleges that  
7 GOMEZ received PACA trust fund assets from P.Y. which rightly  
8 belong to ABBATE, and has, furthermore, wrongfully directed the  
9 disbursement of trust funds to third parties, has violated his  
10 fiduciary duties to ABBATE and is guilty of constructive fraud.

11 29. By reason of the foregoing, GOMEZ holds PACA trust fund  
12 assets as trustee for the beneficial interest of ABBATE, and is  
13 personally liable to ABBATE for the dissipation of the PACA trust  
14 assets to the extent of the claims of ABBATE.

15 **REQUEST FOR INTEREST ON AMOUNT DUE**

16 30. Pursuant to the agreement between the parties, as set  
17 forth in the invoices ABBATE is entitled to interest at the rate of  
18 1.5% per month on the unpaid balance from on or about August 31,  
19 2010.

20 **REQUEST FOR ATTORNEY'S FEES**

21 31. Pursuant to the agreement between the parties, as set  
22 forth in the invoices, ABBATE is entitled to recover its attorney's  
23 fees incurred in collecting the amount due.

24 WHEREFORE, plaintiff prays as follows:

25 **AS TO FIRST CLAIM FOR RELIEF:**

26 1. For damages in the amount of \$57,627.95;

27 2. For prejudgment and post judgment interest on the amount  
28 found due to ABBATE at the rate of 1.5% per month from on or about

1 August 31, 2010, and according to law;

2 AS TO SECOND CLAIM FOR RELIEF - (Breach of Contract/Violation of  
3 PACA "Prompt Pay" Provisions of PACA):

4 a. For damages in the principal amount of \$57,627.95;

5 b. For pre-judgment interest at the contract rate of 1.5%  
6 per month from on or about August 31, 2010.

7 AS TO THIRD CLAIM FOR RELIEF (Breach of Fiduciary Duty to PACA  
8 Trust Beneficiary Constructive Fraud):

9 For judgment against GOMEZ in the amount of \$57,627.95. less  
10 any amounts paid by P.Y. to satisfy this judgment.

11 AS TO ALL CLAIMS FOR RELIEF:

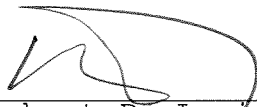
12 a. For attorneys' fees and costs;

13 b. For pre-judgment and post-judgment interest on the amount  
14 found due to ABBATE at the rate of 1.5% per month from on or about  
15 August 31, 2010, and according to law;

16 c. Such other and further relief as the court deems just and  
17 proper.

18 Dated: January 20, 2011

19 Law Office of Robert P. Lewis, Jr.

20  
21   
22 Robert P. Lewis, Jr.  
23 Counsel for Plaintiff  
24  
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ROBERT P. LEWIS, JR.  
2596 MISSION ST., SUITE 300  
SAN MARINO, CA 91108-1679  
(213) 623-2297

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## EXHIBIT A

**Fruit and Vegetable Programs****Search PACA**

*Search Again*  *Go Back to the previous page* 

<u>License No.</u>	<u>Date Issued</u>	<u>Anniversary Date</u>	<u>Status</u>
20031528	9/25/2003	9/25/2011	Active
<u>Business Name</u>	<u>City</u>	<u>State</u>	
PY PRODUCE LLC	SOUTH SAN FRANCISCO	CA	

**Reported Principal (Last Name, First Name)**

GOMEZ, JOSE

**Trade Names** None

**Branch Name , Branch City , Branch State** None

Return to: Perishable Agricultural Commodities Act (PACA)

EXHIBIT A - 000010

ROBERT P. LEWIS, JR.  
2596 MISSION ST., SUITE 300  
SAN MARINO, CA 91108-1679  
(213) 623-2297

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## EXHIBIT B

30/48  
**Invoice****ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

20677

Date

7/8/2010

**Sold To****Ship To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	7/18/2010	GC	Abbate
Quantity	Description			Price Each	Amount
49	Hot Pepper			14.50	710.50
90	Red Onions #2 J			8.00	720.00
45	Yellow Onions #2 J			10.00	450.00
56	Eggplant			7.50	420.00
Thank you for your business				<b>Total</b> \$2,300.50	

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000012**

31/48

**ABBATE FARMS**

20677

**Office**

140 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

**Cooler**

PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO:

P. Y. Produce

PURCHASE ORDER:

DATE:

7/8/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
49	Butter Jalapeno			
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
90	Red Onions #2	J		
	Red Onions			
45	Yellow Onions #2	J		
	Yellow Onions			
	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
56	Pickles Egg Plant	13'		
	Pickles			
5	Pallets (AF)			
	Thank you			
Total Amount Due				

Delivered  
 BY  
 Abbate Farm

X

Received By:

Date

EXHIBIT B - 000013

28/48  
**Invoice****ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

20678

Date

7/8/2010

**Sold To****Ship To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	7/18/2010	GC	Abbate
Quantity	Description			Price Each	Amount
45	Yellow Onions #2 J			10.00	450.00
Thank you for your business				Total	\$450.00

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000014**

140 Heron Way  
Merced, CA 95340  
(209) 723-3716  
Fax (209) 723-3719

Cooler

P.O. Box 755  
French Camp, CA 95231  
(209) 943-5147  
Fax (209) 465-6928

PURCHASE ORDER

DATE 7/8/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
	Butter			
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/4 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/4 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
45	Yellow Onions H2 J			
	Yellow Onions			
	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
	Pickles			
	Pickles			
1	pallets (AF)			
	Thank You			
	Total Amount Due			

x

DAVID

Received By

EXHIBIT B - 000015

Date

47/48

**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

20679

Date

7/10/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	7/20/2010	GC	Abbate
Quantity	Description			Price Each	Amount
10	Kabocha			16.00	160.00
80	Corn			8.50	680.00
70	Green Cabbage			6.50	455.00
2	Corn,Bins #2 Net Wt 709#			40.00	80.00
45	Yellow Onions CC			16.00	720.00
49	Bell Peppers - Ch			10.00	490.00
49	Hot Pepper			14.50	710.50
Thank you for your business				Total	\$3,295.50

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000016**



48/48

20679

**ARMS**

Merced, CA 95340  
(209) 723-3716  
Fax (209) 723-3719

French Camp, CA 95231  
(209) 943-5147  
Fax (209) 465-6928

SOLD TO: Pe y Produce

PURCHASE ORDER: \_\_\_\_\_ DATE: 7/19/10

QUAN	ITEM	PACK	PRICE	AMOUNT
10	Beets	M		
	Green Leaf			
	Red Leaf			
80	Green Cabbage			
70	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
3	Celery	bins		
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
45	Yellow Onions	CC		
	Yellow Onions			
49	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
49	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
	Pickles			
	Pickles			
80	Potatoes (CAF)			
	Thank You			
	Total Amount Due			

Delivered  
Accrued Farm

X

Received By \_\_\_\_\_

EXHIBIT B-000017

45/48  
**Invoice****ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

20680

Date

7/12/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	7/22/2010	GC	Abbate
Quantity	Description			Price Each	Amount
80	Corn			8.50	680.00
90	Red Onions #2 J			8.00	720.00
45	Yellow Onions C			16.00	720.00
Thank you for your business				Total	\$2,120.00

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000018**

46/48

20680

ARMS

140 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

Cooler  
 PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO:

P. Y. Produce

PURCHASE ORDER:

DATE:

7/12/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
80	BUTTER CORN			
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
90	Red Onions	#5 J		
	Red Onions			
45	Yellow Onions	C		
	Yellow Onions			
	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
	Pickles			
	Pickles			
5	Pallets (AE)			
	Thank you			
Total Amount Due				

Delivered  
 By  
 Abbato Farm

X

Received By

EXHIBIT B - 000019

44/48

**Invoice****ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

20681

**Date**

7/13/2010

**Sold To****Ship To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	7/23/2010	GC	Abbate
Quantity	Description			Price Each	Amount
90	Yellow Onions #2 J			10.00	900.00
10	Kabocha M			16.00	160.00
3	Watermelon Seedless, Bins #4 Net wt 2112#			112.00	336.00
Thank you for your business				Total	\$1,396.00

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000020**

42/48  
**Invoice****ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

20682

Date

7/14/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	7/24/2010	GC	Abbate
Quantity	Description			Price Each	Amount
40	Corn			8.50	340.00
25	Green Cabbage			6.50	162.50
135	Yellow Onions #2 J			10.00	1,350.00
49	Bell Peppers - Ch			11.00	539.00
49	Bell Peppers - X Large			14.00	686.00
Thank you for your business				Total	\$3,077.50

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000021**

43/48

**ABBAIO FARMS** 20682

140 Heron Way  
Merced, CA 95340  
(209) 723-3716  
Fax (209) 723-3719

Cooler  
PO Box 755  
French Camp, CA 95231  
(209) 943-5147  
Fax (209) 465-6928

SOLD TO: P. J. ProducePURCHASE ORDER: \_\_\_\_\_ DATE: 7/14/10

QUAN.	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
40	YR			
25	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
135	Yellow Onions	JH2		
	Yellow Onions			
49	Bell Peppers	Choice		
	Bell Peppers	Large		
49	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
	Pickles			
	Pickles			
8	Potatoes	CAF		
	Thorn 30			
	Total Amount Due			

Delivered  
By  
Abbaio Farm

X

Received By

Date

EXHIBIT B - 000022

40/48  
**Invoice****ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

20696

Date

7/15/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	7/25/2010	GC	Abbate
Quantity	Description			Price Each	Amount
35	Jumbo Green Cabbage			6.50	227.50
3	Watermelon Seeded, Bins Net wt 2086#			85.00	255.00
3	Watermelon Seedless, Bins Net wt 2107#			112.00	336.00
Thank you for your business				Total	\$818.50

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000023**



41/48

FARMS

20696

Way  
CA 95340  
723-3716  
ax: (209) 723-3719

Cooler  
PO Box 755  
French Camp, CA 95231  
(209) 943-5147  
Fax (209) 465-6928

SOLD TO:

P. y. Prod.

PURCHASE ORDER:

DATE:

7/15/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
	Butter			
35	Green Cabbage	J		
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
	Yellow Onions			
	Yellow Onions			
	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
3	Watermelon Seeded	#3		
	Watermelon Seedless			
3	Watermelon Seedless	#4		
	Pickles			
	Pickles			
3	Pallets (AF)			
	Thank You			
	Total Amount Due			

Delivered

Abbate Farm

X

Received By

EXHIBIT B - 000024

Date



38/48  
**Invoice****ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

20697

Date

7/17/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	7/27/2010	GC	Abbate
Quantity	Description			Price Each	Amount
56	Eggplant 24 ea			12.85	719.60
25	Kabocha XL			15.00	375.00
135	Yellow Onions #2 M			9.00	1,215.00
1	Watermelon Seeded, Bins #3 net wt 462#			85.00	85.00
6	Watermelon Seedless, Bins #4 net wt 4221#			112.00	672.00
Thank you for your business				Total	\$3,066.60

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000025**

39/48

## ABBATE FARMS

20697

## Office

140 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

## Cooler

PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO: P.O. ProducePURCHASE ORDER: \_\_\_\_\_ DATE: 7/17/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
56	Better Egg Plant	24		
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
25	Celery Kabocha	AL		
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
135	Yellow Onions	M#2		
	Yellow Onions			
	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
2 bins	Watermelon Seeded	#3		
	Watermelon Seeded			
6 bins	Watermelon Seedless	#4		
	Watermelon Seedless			
	Pickles			
	Pickles			
8	Pallets (AF)			
	Thank you			
	Total Amount Due			

Delivered  
 By  
 Abbate Farm

X

Received By

Date

EXHIBIT B - 000026

36/48  
**Invoice****ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

20698

**Date**

7/20/2010

**Sold To****Ship To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	7/30/2010	GC	Abbate
Quantity	Description			Price Each	Amount
34	Corn			8.50	289.00
45	Yellow Onions C			15.85	713.25
49	Bell Peppers - Ch			10.85	531.65
49	Bell Peppers - X Large			14.85	727.65
6	Watermelon Seeded, Bins #3 Net wt 4363#			85.00	510.00
3	Watermelon Seedless, Bins #5 Net wt 2177#			112.00	336.00
16	Pickles L			10.00	160.00
Thank you for your business				Total	\$3,267.55

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000027**

37/48

## ATE FARMS

20698

140 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

Cooler  
 PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO:

P. Y. Produce

PURCHASE ORDER:

DATE: 7/20/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
39	CORN			
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
45	Yellow Onions	C		
	Yellow Onions			
49	Bell Peppers	Choice		
	Bell Peppers	Large		
49	Bell Peppers	X Large		
	Broccoli			
6	Watermelon Seeded	#3		
	Watermelon Seeded			
3	Watermelon Seedless	#5		
	Watermelon Seedless			
16	Pickles	L		
	Pickles			
7	Pickles (AF)			
	Thank you!			
	Total Amount Due			

Delivered  
 BY  
 Abbate Farm

X

Received By

Date

EXHIBIT B - 000028

34/48

**Invoice****ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

20699

Date

7/22/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/1/2010	GC	Abbate
Quantity	Description			Price Each	Amount
40	Corn			8.50	340.00
24	Kabocha M			15.00	360.00
56	Eggplant 24 ea			10.85	607.60
6	Watermelon Seedless, Bins #4 net wt 4316#			112.00	672.00
72	Pickles			10.00	720.00
Thank you for your business				Total	\$2,699.60

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000029**

35/48

## E FARMS

20699

140 Helton Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

Cooler  
 PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO:

P. G. Produce

PURCHASE ORDER:

DATE:

7/22/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
40	Butter Corn			
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
24	Celery Kabocha	M		
56	Celery Egg Plant	24		
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
	Yellow Onions			
	Yellow Onions			
	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
6	Watermelon Seedless	#4		
	Watermelon Seedless			
72	Pickles	L		
	Pickles			
6	Pallets (AT)			
	Thank You			
	Total Amount Due			

Delivered By  
 Abbate Farm

X

Received By

Date

EXHIBIT B - 000030



32/48

**Invoice****ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

20700

Date

7/24/2010

**Sold To****Ship To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/3/2010	GC	Abbate
Quantity	Description	Price Each		Amount	
49	Hot Pepper	15.00		735.00	
40	Corn	8.00		320.00	
35	Green Cabbage	7.00		245.00	
49	Eggplant 24 ea	9.00		441.00	
49	Eggplant 18 ea	9.00		441.00	
90	Yellow Onions #2 M	8.00		720.00	
90	Yellow Onions #2 J	10.00		900.00	
49	Bell Peppers - Ch	9.85		482.65	
3	Watermelon Seeded, Bins #3 Net wt 2166#	85.00		255.00	
3	Watermelon Seedless, Bins #4 Net wt 2177#	112.00		336.00	
Thank you for your business				<b>Total</b> \$4,875.65	

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000031**

33/48

20700

**ATE FARMS**

140 Heron Way  
Merced, CA 95340  
(209) 723-3716  
Fax (209) 723-3719

Cooler  
PO Box 755  
French Camp, CA 95231  
(209) 943-5147  
Fax (209) 465-6928

SOLD TO: P. J. Produce

PURCHASE ORDER: \_\_\_\_\_ DATE: 7/24/10

QUAN	ITEM	PACK	PRICE	AMOUNT
49	Romaine Cologans			
	Green Leaf			
	Red Leaf			
40	Butter Corn			
35	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
49	Celery Egg Plant	24		
49	Celery Egg Plant	18		
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
90	Yellow Onions	M#2		
90	Yellow Onions	J#2		
49	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
360	Watermelon Seeded	#3		
	Watermelon Seeded			
360	Watermelon Seedless	#4		
	Watermelon Seedless			
	Pickles			
	Pickles			
12	Panetti's (AF)			
	Thank You			
	Total Amount Due			

 Delivered By  
Abbato Farm

X

Received By

EXHIBIT B - 000032

Date



**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

28751

22/48

Date

7/28/2010

**Sold To****Ship To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/7/2010	GC	Abbate
Quantity	Description			Price Each	Amount
24	Cilantro, 5 dzs			12.00	288.00
49	Hot Pepper			15.00	735.00
35	Green Cabbage			7.00	245.00
49	Eggplant 18 ea			7.50	367.50
98	Eggplant 24 ea			7.50	735.00
49	Bell Peppers - Ch			8.00	392.00
49	Bell Peppers - XX Large			12.00	588.00
3	Watermelon Seeded, Bins #4 Net wt 2325#			85.00	255.00
Thank you for your business				Total	\$3,605.50

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000033**

ATE FARMS

28751

23/48

140 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

Cooler  
 PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO: P. y ProducePURCHASE ORDER: \_\_\_\_\_ DATE: 7/28/10

QUAN	ITEM	PACK	PRICE	AMOUNT
24	Nro	502		
	Green Leaf			
	Red Leaf			
49	Bitter Jalapenos			
35	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
49	3 Plant	18		
98	Plant	24		
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
	Yellow Onions			
	Yellow Onions			
49	Bell Peppers	Choice		
	Bell Peppers	Large		
49	Bell Peppers	XX Large		
	Broccoli			
3	Watermelon Seeded	#4		
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
	Pickles			
	Pickles			
9	Packets (AF)			
	Thank You			
	Total Amount Due			

Delivered  
 by  
 Abbott Farm

X

Received By

Date

EXHIBIT B - 000034

24/48

**ABBATE FARMS****Invoice**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

28752

Date

7/29/2010

**Sold To****Ship To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/8/2010	GC	Abbate
Quantity	Description			Price Each	Amount
35	Green Cabbage			7.00	245.00
90	Red Onions M			5.00	450.00
90	Yellow Onions J			8.00	720.00
87	Pickles F			5.40	469.80
Thank you for your business				Total	\$1,884.80

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000035**

TE FARMS

28132

25/48

140 Heron Way  
Merced, CA 95340  
(209) 723-3716  
Fax (209) 723-3719

Cooler  
PO Box 755  
French Camp, CA 95231  
(209) 943-5147  
Fax (209) 465-6928

SOLD TO:

P. J. Produce

PURCHASE ORDER:

DATE:

7/29/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
	Butter			
35	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
90	Red Onions	M		
	Red Onions			
90	Yellow Onions	J		
	Yellow Onions			
	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
87	Pickles	F		
	Pickles			
6	Potatoes (AF)			
	Thank You			
	Total Amount Due			

Delivered By Farm

EXHIBIT B - 000036

X

26/48

**Invoice****ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

28753

Date

7/31/2010

**Sold To****Ship To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/10/2010	GC	Abbate
Quantity	Description			Price Each	Amount
24	Butternut M			16.00	384.00
49	Bell Peppers - Ch			7.85	384.65
35	Watermelon Seedless, **Boxes** #8 Net wt 1750#			12.00	420.00
Thank you for your business				Total	\$1,188.65

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000037**



28753

27/48

## ATE FARMS

140 Heron Way  
Merced, CA 95340  
(209) 723-3716  
Fax (209) 723-3719

Cooler  
PO Box 755  
French Camp, CA 95231  
(209) 943-5147  
Fax (209) 465-6928

SOLD TO:

P.O. Produce

PURCHASE ORDER:

DATE:

7/31/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
24	Herb	M		
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
	Yellow Onions			
	Yellow Onions			
49	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded	8		
35	Watermelon Seedless	boxes		
	Watermelon Seedless			
	Pickles			
	Pickles			
3	Packets (AP)			
	Thank You			
	Total Amount Due			

Delivered  
By  
Abbate Farm

EXHIBIT B - 000038

**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

28754

20/48

Date

8/2/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/12/2010	GC	Abbate
Quantity	Description			Price Each	Amount
31	Corn			8.50	263.50
16	Spaghetti			14.85	237.60
10	Banana			12.85	128.50
25	Kabocha sm			16.00	400.00
98	Bell Peppers - Ch			7.85	769.30
Thank you for your business				Total	\$1,798.90

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000039**

**ABBATE FARMS**

20154

21/48

**Office**

140 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3716

**Cooler**

PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO: *Produce*

PURCHASE ORDER: \_\_\_\_\_

DATE: *8/02/10*

QUAN	ITEM	PACK	PRICE	AMOUNT
<i>31</i>				
<i>16</i>	<i>H?</i>			
<i>10</i>				
<i>25</i>	<i>zocha</i>	<i>5m</i>		
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	<i>2 1/2 DZ</i>		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
	Yellow Onions			
	Yellow Onions			
<i>98</i>	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
	Pickles			
	Pickles			
<i>4</i>	<i>Pallets (AF)</i>			
	<i>Thank you</i>			
	Total Amount Due			

**Delivered**  
**BY**  
**Abbato Farm**

EXHIBIT B - 000040

X



**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

28755

18/48

Date

8/4/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/14/2010	GC	Abbate
Quantity	Description			Price Each	Amount
35	Green Cabbage			7.00	245.00
49	Bell Peppers - Ch			8.00	392.00
49	Bell Peppers -X Large			11.00	539.00
49	Eggplant			6.00	294.00
Thank you for your business				<b>Total</b> \$1,470.00	

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000041**

287 5  
 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

19/48  
 Cooler  
 PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO:

P. N. Produce

PURCHASE ORDER:

DATE:

8/4/10

QUAN	ITEM	PACK	PRICE	AMOUNT
40	Romaine			
	Green Leaf			
	Red Leaf			
	Butter			
35	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
	Yellow Onions			
	Yellow Onions			
49	Bell Peppers	Choice		
	Bell Peppers	Large		
49	Bell Peppers	XX Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
49	Pickles Egg Plant	12		
	Pickles			
4	Pallets (AE)			
	Thank you			
	Total Amount Due			

Delivered  
By  
Abbate Farm

EXHIBIT B - 000042

X

**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

28756

16/48

Date

8/7/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/17/2010	GC	Abbate
Quantity	Description			Price Each	Amount
90	Yellow Onions #2 J			7.85	706.50
35	Green Cabbage			7.00	245.00
49	Eggplant 18 ea			7.85	384.65
49	Eggplant 24 ea			7.85	384.65
45	Yellow Onions M			6.85	308.25
45	Yellow Onions C			10.85	488.25
49	Bell Peppers - Ch			7.85	384.65
49	Bell Peppers - X Large			10.85	531.65
3	Watermelon Seedless, Bins #5			115.00	345.00
Thank you for your business				Total	\$3,778.60

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000043**

TE FARMS

2875

Cooler

140 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO:

P. y. Produce

PURCHASE ORDER

DATE

8/7/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
90	new Onion #2J			
35	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
49	Celery 299 Pkts	18		
49	Celery 299 Pkts	24		
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
45	Yellow Onions	M		
45	Yellow Onions	C		
49	Bell Peppers	Choice		
	Bell Peppers	Large		
49	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
3	Watermelon Seedless	#S		
	Watermelon Seedless			
	Pickles			
	Pickles			
10	Panetti's (AP)			
	Thank You			
	Total Amount Due			

Delivered  
 by  
 Alcabato Farm

EXHIBIT B - 000044

**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

28757

10/48

**Date**

8/10/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/20/2010	GC	Abbate
Quantity	Description			Price Each	Amount
56	Eggplant 24 ea			7.85	439.60
56	Eggplant 18 ea			7.85	439.60
28	Cilantro, 5 dzs			15.50	434.00
90	Yellow Onions #2 J			7.00	630.00
49	Bell Peppers - Ch			7.85	384.65
Thank you for your business				<b>Total</b> \$2,327.85	

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

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**EXHIBIT B - 000045**



# ABBATE FARMS

Cooler

140 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO:

P.Y. Produce

PURCHASE ORDER:

DATE:

8/10/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
56	4-4 Plant	24		
56	4-4 Plant	18		
	Green Cabbage			
28		5 DZ		
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
90	Yellow Onions	#2M		
	Yellow Onions			
49	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
	Pickles			
	Pickles			
6	Pineapple	(AF)		
	Thank You			
	Total Amount Due			

Delivered By  
 Abbate Farm

X

EXHIBIT B - 000046

**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

28758

12/48

Date

8/11/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/21/2010	GC	Abbate
Quantity	Description			Price Each	Amount
80	Corn			8.50	680.00
90	Yellow Onions M #2			5.00	450.00
90	Yellow Onions J #2			7.00	630.00
49	Bell Peppers - X Large			10.85	531.65
Thank you for your business				Total	\$2,291.65

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000047**



**ABBATE FARMS**

28.38

**Office**

140 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3749

**Cooler**

PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO:

P. G. Produce

PURCHASE ORDER:

DATE:

8/11/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
80	Corn			
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
90	Yellow Onions	M#2		
90	Yellow Onions	J#2		
	Bell Peppers	Choice		
	Bell Peppers	Large		
49	Bell Peppers	J# X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
	Pickles			
	Pickles			
7	Potatoes (AP)			
	Thank you			

EXHIBIT B - 000048

**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

28760

11/14/08

**Date**

8/12/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/22/2010	GC	Abbate
Quantity	Description			Price Each	Amount
45	Yellow Onions M			8.50	382.50
Thank you for your business				Total \$382.50	

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000049**

# ABBATE FARMS

28760

15/48

10 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

Cooler  
 PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO:

P.Y. Produce

PURCHASE ORDER:

DATE:

8/17/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
	Butter			
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
45	Yellow Onions	M		
	Yellow Onions			
	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
	Pickles			
	Pickles			
1	POLYESTER (AF)			
	THANK YOU			
	Total Amount Due			

Delivered  
 By  
 Abbate Farm

EXHIBIT B - 000050

**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

28761

8/48

Date

8/14/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/24/2010	GC	Abbate
Quantity	Description			Price Each	Amount
98	Jalapeno Pepper			14.00	1,372.00
35	Green Cabbage			7.00	245.00
40	Corn			8.50	340.00
Thank you for your business				<b>Total</b> \$1,957.00	

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000051**



**FARMS**

2876

Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

Cooler  
 PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

9/48

SOLD TO:

P. J. Proctor

PURCHASE ORDER:

DATE:

8/14/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
98	<del>Butter</del> <u>De la Penas</u>			
35	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
40	<del>Celery</del> <u>corn</u>			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
	Yellow Onions			
	Yellow Onions			
	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
	Pickles			
	Pickles			
4	<u>Panels</u> (AP)			
	<u>Tham Jar</u>			
	Total Amount Due			

Delivered  
 By  
 Abbate Farm

EXHIBIT B - 000052

X

**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

28762

6/48

**Date**

8/17/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To****Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/27/2010	GC	Abbate
Quantity	Description			Price Each	Amount
70	Watermelon Seedless, Boxed #6 Wt 4550#			6.00	420.00
3	Watermelon Seedless, Bins #4 net wt 2139#			100.00	300.00
48	Cilantro, 5 dzs			14.00	672.00
80	Corn			7.00	560.00
80	Red Onions J			10.00	800.00
180	Yellow Onions #2 J			7.00	1,260.00
180	Yellow Onions #2 M			5.00	900.00
98	Bell Peppers - Ch			6.85	671.30
98	Bell Peppers -X X Large			8.85	867.30
Thank you for your business				Total	\$6,450.60

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized under section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7) U.S.C. 499e(c). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other product derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Signature on this invoice indicates acceptance of the terms and condition on this invoice. Problems must be reported in writing within 24 hours after product has been received or invoice is payable in full. Interest at 1.5% monthly added to unpaid balance. Interest and attorney fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under PACA Trust.

**EXHIBIT B - 000053**

## FARMS

Heron Way  
Merced, CA 95340  
(209) 723-3716  
Fax (209) 723-3719

Cooler  
PO Box 755  
French Camp, CA 95231  
(209) 943-5147  
Fax (209) 465-6928

7/48

SOLD TO:

Pay Produce

PURCHASE ORDER:

DATE:

8/17/10

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf			
	Red Leaf			
48	antro	5DZ		
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
80	Corn			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
80	Red Onions	J		
180	Yellow Onions	J#2		
180	Yellow Onions	M#2		
98	Bell Peppers	Choice		
	Bell Peppers	Large		
98	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
70	Watermelon Seedless	HG carton		
3	Watermelon Seedless	H4		
	Pickles			
	Pickles			
18	Parsnips	(AF)		
	Thank you			
	Total Amount Due			

Delivered  
By  
Abbato Farm

X

Received By

Date

EXHIBIT B - 000054



**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

28763

4/48

Date

8/17/2010

**Sold To**

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

**Ship To**

Borg Coast Tropical

**Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/27/2010	GC	Abbate
Quantity	Description			Price Each	Amount
90	Yellow Onions M			8.00	720.00
Thank you for your business				<b>Total</b> \$720.00	

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

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**EXHIBIT B - 000055**

**ABATE FARMS**

28753

Office

140 Heron Way  
 Merced, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

Cooler

PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

SOLD TO:

*P. y. Produce*

PURCHASE ORDER

DATE

*8/17/10*

QUAN	ITEM	PACK	PRICE	AMOUNT
	Romaine			
	Green Leaf	<i>long coast</i>		<i>Tropical</i>
	Red Leaf			
	Butter			
	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Celery			
	Celery			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
<i>98</i>	Yellow Onions	<i>M</i>		
	Yellow Onions			
	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
	Broccoli			
	Watermelon Seeded			
	Watermelon Seeded			
	Watermelon Seedless			
	Watermelon Seedless			
	Pickles			
	Pickles			
<i>2</i>	<i>Toilets (A5)</i>			
	<i>Thank You</i>			
	Total Amount Due			

**Delivered By**  
**Abbate Farm**

*5/48*

EXHIBIT B - 000056

X

**ABBATE FARMS**

Mail  
140 Heron Way  
Merced, CA 95341  
Phone (209) 723 3716  
Fax (209) 723 3719

Cooler  
14301 S. Roberts Rd  
Stockton, CA 95206  
Phone (209) 943 5147  
Fax (209) 465 6928

**Invoice**

28764

Date

8/21/2010

Sold To

Ship To

P.Y. PRODUCE  
125 TERMINAL CT STALL 62  
S. SAN FRANCISCO, CA 94080

2/48

**Produce of USA**

P.O. Number		Terms	Due Date	Rep	Via
		Net 10	8/31/2010	GC	Abbate
Quantity	Description			Price Each	Amount
56	Eggplant 24 ea			8.00	448.00
35	Green Cabbage			6.50	227.50
56	Eggplant 18 ea			8.00	448.00
56	kabocha			16.00	896.00
70	Watermelon Seedless, ***Repacked into Boxes***			12.00	840.00
Thank you for your business				Total \$2,859.50	

**Please Note:**

Payment is due within 10 days from date of sale. A finance charge of 1.5% per month will be charged on all past due accounts.

**Payments are to be sent to the above referenced address**

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**EXHIBIT B - 000057**

**FARMS**

On Way  
 Red, CA 95340  
 (209) 723-3716  
 Fax (209) 723-3719

Cooler  
 PO Box 755  
 French Camp, CA 95231  
 (209) 943-5147  
 Fax (209) 465-6928

3/48

SOLD TO:

PURCHASE ORDER:

DATE:

QUAN	ITEM	PACK	PRICE	AMOUNT
56	nt 24#2			
	Green Leaf			
	Red Leaf			
	Butter	nt L		
55	Green Cabbage			
	Red Cabbage			
	Savoy Cabbage			
	Dandelion	1 DZ		
	Regular Parsley	2 1/2 DZ		
	Regular Parsley	5 DZ		
	Italian Parsley	2 1/2 DZ		
	Italian Parsley	5 DZ		
	Spaghetti			
26	Celery Root #2			
	Celery Root			
	Beets	1 DZ		
	Leeks	1 DZ		
	Red Onions			
	Red Onions			
	Yellow Onions			
	Yellow Onions			
	Bell Peppers	Choice		
	Bell Peppers	Large		
	Bell Peppers	X Large		
56	ha m/L			
	Watermelon Seeded			
	Watermelon Seeded			
20	Watermelon Seedless #2			
	Watermelon Seedless			
	Pickles			
	Pickles			
66	Pallets (AF)			
	Thank You			
	Total Amount Due			

Delivered  
 BY  
 Abbate Farm

X

EXHIBIT B - 000058

Received By

Date